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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,413	07/29/1999	ADDISON M. FISCHER	264-169	8101

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EXAMINER	
JACKSON, JENISE E	

ART UNIT	PAPER NUMBER
2131	9

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/363,413	FISCHER ET AL.
	Examiner	Art Unit
	Jenise E Jackson	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-56 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-56 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulhof et al.

3. As per claims 1, 11, 21, 31, 35, Schulhof et al. discloses a device for insertion into a standard tape player(see col. 4, line 67, col. 5, lines 1-7, col. 6, lines 65-67) having a plurality of conventional user controls is inherently disclosed in Schulhof, because Schulhof discloses the audio data can be played in the radio via a cassette player(see col. 5, lines 1-5). Therefore, the Examiner asserts that Schulhof et al. inherently discloses a plurality of conventional user controls, because Schulhof et al. discloses a cassette player. Also, Schulhof et al. discloses a storage device for storing encrypted digital information indicative of audio information (see col. 9, lines 31-37, col. 11, lines 46-51); an interface embodied in said housing for converting digital information to magnetic signals which are presented to said tape player(see col. 5, lines 1-7, col. 6, lines 65-67); and a processor, said processor(66) being operable to access said encrypted digital information for decrypting said digital information and for controlling the transmission of decrypted audio information to said interface(see col. 9, lines 27-42, col. 11, lines 46-51, col. 12, lines 12-18, col. 13, lines 32-38). Schulhof et al. discloses a housing having substantially the same physical dimensions as a standard audio cassette; a storage device arranged within the housing(see fig. 1, sheet 1).

4. As per claim 2, Schulhof et al. discloses an insertion port for removably receiving said storage device(see col. 11, lines 56-58).

5. As per claims 3, 12, Schulhof et al. discloses wherein said audio information is music(see col. 5, lines 2-5) and said processor is operable to select for playback by said tape player a user specified musical performance(see col. 4, line 67, col. 5, lines 1-5).

6. As per claim 4, Schulhof et al. inherently discloses wherein said user specified musical performance is specified by advancing to the next performance, because Schulhof et al. discloses a cassette tape that can play the audio data(see col. 5, lines 1-5). The Examiner asserts that a tape player can advance, by having a forwarding feature that allows the user to select a different musical song.

7. As per claim 5, Schulhof et al. discloses wherein said user specified musical performance is specified by musical performance number(see col. 4, lines 63-64, col. 12, lines 57-60).

8. As per claim 6, Schulhof et al. discloses including a memory for storing a device private key and wherein said processor performs said decrypting operation using said device private key(see col. 9, lines 31-35, col. 11, lines 46-51) .

9. As per claim 7, Schulhof et al. discloses wherein said device private key has an associated public key(see col. 9, lines 31-35).

10. As per claim 8, Schulhof et al. inherently discloses wherein said associated public key has a digital certificate which certifies that the public key is associated with said device, because Schulhof et al. discloses that the material need to be secured, and one known scheme is encryption scheme(see col. 9, lines 39-46).

11. As per claims 9, 13, Schulhof et al. discloses wherein said processor is operable to check whether the digital information may be validly presented to said user(see col. 9, lines 39-46).

12. As per claims 10, 14, Schulhof et al. discloses including a connector for connecting said device to an external speaker, said processor being operable to control operation in a cassette emulator mode and in an audio player mode independent of said standard tape player(see col. 12, lines 3-11).

13. As per claims 15, all the limitations of this claim have already been addressed(see claims 1, 6-7, 10).

14. As per claims 16-19, Schulhof et al. inherently discloses said plurality of sensors includes a transducer carriage position sensor, and a tape player pinch roller, spindle wheel sensor, a tape player erase head, because Schulhof et al. discloses a cassette tape player(see col. 5, lines 1-5) .

15. As per claim 20, Schulhof et al. discloses connector for connecting said device to an external speaker, said processor being operable to control operation in a cassette emulator node and in an audio player mode independent of said standard tape player(see col. 12, lines 3-11).

16. As per claim 21, limitations already rejected(see claim 1). Also, as per claim 21, Schulhof et al. discloses an indication of the unique identity of the device to receive the audio information, corresponds to the indication of the unique identity of the device, the device cryptographic key being unique to the device(see col. 11, lines 61-67, col. 12, lines 13-23).

16. As per claim 22, Schulhof et al. discloses wherein said requesting step includes the step of requesting audio information by a user over a network through the user's computer(see col. 6, lines 24-31, 65-67).

17. As per claim 23, Schulhof et al. discloses wherein said receiving step includes the step of receiving the audio information from another user's interface device(see col. 7, lines 14-27).

18. As per claim 24, Schulhof et al. discloses wherein said requesting step includes the step of transmitting billing authorization information to the vendor, whereby the vendor may check the validity of the billing authorization information(see col. 6, lines 24-30).

19. As per claim 25, Schulhof et al. discloses wherein said receiving step includes the step of receiving the audio information from the vendor, transferring the encrypted audio information to a removable memory for the device, and coupling the removable memory to the device(see col. 6, lines 32-38, col. 7, lines 3-35, col. 9, lines 39-46), wherein the audio information has been encrypted under the device cryptographic key from a plurality of possible device cryptographic keys in a way that ties the reading of the audio information to the possession, by the device, of a corresponding device cryptographic key(see col. 11, lines 61-67, col. 12, lines 13-23).

20. As per claim 26, Schulhof et al. discloses wherein the step of decrypting the audio information includes the step of decrypting the audio information using a device private key(see col. 12, lines 26-32, col. 9, lines 39-46).

21. As per claim 27, Schulhof et al. inherently discloses wherein the received encrypted information is digitally signed and further including the step of verifying the signed material using; a public key which can be verified by virtue of indicators stored within the device, because Schulhof et al. discloses that the material need to be secured, and one known scheme is encryption scheme(see col. 9, lines 39-46).

22. As per claim 28, Schulhof et al. discloses wherein the audio information is encrypted such that it is accessible only by the device(col. 12, lines 26-32).

23. As per claim 29, Schulhof discloses the step of storing a library of encrypted audio information on a memory external to the device(see col. 6, lines 12-21, col. 12, lines 26-32).

24. As per claim 30, Schulhof et al. discloses wherein the audio information contains a header containing information about the audio information(see col. 6, lines 12-21).

25. As per claim 32, Schulhof et al. discloses the step of storing a secret private key corresponding to a device public key(see col. 9, lines 40-42, col. 12, lines 26-32).

26. As per claim 33, Schulhof et al. discloses for use with an interface device for insertion into an audio tape player having a plurality of user controls(see col. 4, line 67, col. 5, lines 1-7, col. 6, lines 65-67), and for responding to user actuation of one of the controls to place the audio tape player in a state to initiate a selected operation when a conventional audio cassette has been inserted into the player(see col. 5, lines 1-5), storing encrypted digital data representing audio information in a memory device disposed in the device; accessing by a processor embodied in the device the encrypted digital information(see col. 9, lines 31-37, col. 11, lines 46-51); decrypting by the procesor the encrypted digital information; controlling the transmission of decrypted audio information to an interface; and converting digital information to magnetic signals which are presented to the tape player(see col. 9, lines 27-42, col. 11, lines 46-51, col. 12, lines 12-18, col. 13, lines 32-38). Also, Schulhof et al. discloses including the steps of detecting by a plurality of sensors the state of said audio cassette player; and controlling by said processor responsive to the state of at least one of said plurality of sensors said device to initiate an operation emulating the user selected operation on said audio cassette player(see col. 4, lines 56-67, col. 5, lines 1-13).

27. As per claim 34, Schulhof et al. discloses wherein said processor is operable to perform a decryption operation by accessing a secret private key corresponding to a device public key(col. 9, lines 40-42, col. 11, lines 61-65) .

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

29. Claims 36-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulhof et al. in view of Stokes.

30. It would have been obvious to one of ordinary skill in the art to combine Schulhof et al. with Stokes, because Stokes discloses recording and/or reproducing music, and the playback of the music includes the data related to the title, artist, playing time, track, and location of music or other selections on a magnetic tape, such as a standard audio cassette tape(see col. 1, lines 9-14), thus the motivation to combine Schulhof et al. with Stokes is, Stokes provides magnetic recording and/or reproducing apparatus which can display to the user a wide variety of data about musical selections recorded on the magnetic tape(see col. 1, lines 44-48).

31. As per claim 36, Stokes discloses wherein said audio message is an announcement of the amount of time, which has been skipped forward(see col. 5, lines 64-67, col. 1, lines 49-60).

32. As per claim 37, Stokes discloses wherein said audio message is an announcement of the amount of time which has been skipped backward(i.e. reverse), the Examiner takes Official

Notice that it is well-known in the art that a tape player has a reverse feature for a user to use, the motivation is that the user can replay the same song again.

33. As per claim 38, Stokes discloses said audio message is an announcement of the relative performance completed with respect to the start of the performance presentation(see col. 2, lines 48-56).

34. As per claim 39, Stokes discloses said audio message relates to an announcement relating to the relative media position with respect to the start of the performance(see col. 2, lines 39-48).

35. As per claim 40, Stokes discloses wherein said audio message is an announcement relating to the media position relative to when normal play last stopped(see col. 2, lines 39-56).

36. As per claim 41, Stokes discloses wherein said audio message is an announcement that the transmission has been paused(see col. 5, lines 64-66).

37. As per claim 42, Stokes discloses wherein said audio message is an announcement that the information is positioned to start back at the beginning of the performance presented to the user(see col. 7, lines 44-46).

38. As per claim 43, Stokes discloses wherein said audio message is generated by the device(see col. 7, lines 44-46).

39. As per claim 44, Stokes discloses wherein said audio message is derived from information that has been prestored in a digital memory embodied in the device(see col. 1, lines 60-68, col. 2, lines 1-2).

40. As per claim 45, Stokes discloses wherein the equipment includes a fast forward control and further including the step of generating magnetic signals in response to the actuation of said

fast forward control by generating audio sounds that occur at a relatively rapid rate(see col. 5, line 65).

41. As per claim 46, the Examiner takes Official Notice that it is well-known in the art that a tape player has a reverse feature for a user to use, the motivation is that the user can replay the same song again.

42. As per claim 47, Schulhof et al. discloses wherein the housing of the device includes an insertion port for removably receiving the storage device(see col. 11, lines 56-58).

43. As per claim 48, Schulhof et al. discloses wherein the processor and memory device are arranged within a housing of the device, and the housing of the device has substantially the same physical dimensions as a standard audio cassette(see fig. 1, sheet 1).

44. As per claim 49, Schulhof et al. discloses wherein the housing of the device includes an insertion port for removably the storage device(see col. 11, lines 56-58).

45. As per claim 50, Schulhof et al. discloses wherein the device cryptographic key is a symmetric key(see col. 9, lines 31-35, col. 11, lines 46-51) .

46. As per claim 51, Schulhof et al. discloses wherein the device cryptographic key is private key and has a corresponding public key(see col. 9, lines 31-35).

47. As per claim 52, Schulhof et al. discloses wherein the symmetric device cryptographic key is generated within the device, is stored in a tamper proof memory in the device, and is securely stored in the records associated with the unique device(see col. 9, lines 31-35, col. 11, lines 46-51).

48. As per claim 53, Schulhof et al. discloses wherein the device cryptographic private key is generated within the device stored in a tamper proof memory in the device, and the device

cryptographic public key is generated within the device and made available for retrieval(see col. 9, lines 31-35).

49. As per claim 54, Schulhof et al. discloses wherein the symmetric device cryptographic key is loaded within the device at the time of manufacture, and is securely stored in the records associated with the device indicated by the unique identity(see col. 9, lines 39-46).

50. As per claim 55, Schulhof et al. discloses wherein the device cryptographic private key is loaded within the device at the time of manufacture, and the corresponding device cryptographic public key is stored with the records of the device(see col. 9, lines 31-35, col. 11, lines 46-51).

51. As per claim 56, Schulhof et al. discloses wherein the step of receiving audio information encrypted by the vendor under a device cryptographic key that is unique to the device, includes receiving audio information encrypted by the vendor under a plurality of device cryptographic keys that are unique to a plurality of devices(see col. 11, lines 61-67, col. 12, lines 13-23).

Responses to Amendment

52. The Applicant states that Schulhof fails to disclose or suggest a device for insertion into a standard tape player including a housing having substantially the same physical dimensions as a standard audio cassette and/or a processor which is operable to access encrypted digital information stored in a storage device... Schulhof does disclose a housing(see fig. 1, sheet 1). Schulhof also, discloses the storage device for storing encrypted digital information, because Schulhof discloses that an encryption scheme used such as a public key system, where the subscriber's system is registered to the program materials at the time the materials are transferred to the subscriber(see col. 9, lines 36-46, col. 12, lines 23-42).

53. The Applicant states that Schulhof does disclose a portable storage medium within a housing having substantially the same physical dimensions as a standard audio cassette. Schulhof discloses that a tape input can be connected to the docking station. Therefore, this limitation is meet by the claims.

54. The Applicant states that Schulhof is silent on the processor within an audio cassette type housing for decrypting the encrypted information. The Examiner disagrees with the Applicant. Schulhof discloses the processor reads, the material, where the materials are decrypted(see col. 3-32).

55. The Applicant states that Schulhof does not disclose an audio cassette type housing having an insertion port. The Examiner disagrees, with the Applicant. The Applicant discloses that a medium is inserted into the docking station(see col. 12, lines 3-11).

56. The Applicant states that Schulhof does not disclose a connector for connecting the device to an external speaker, the processor being operable to control operation in a cassette emulator mode and in an audio player mode independent of the standard player. Schulhof discloses that the digital material is converted to analog in which it can be played in the car radio; therefore, there is a speaker, emulator for converting signals, and audio player mode, because the user can play the tape(see col. 12, lines 3-11).

57. Schulhof does disclose a sensor, because the tape is played when it is sensed(see col. 13, lines 15-23).

58. The Applicant must identify/discuss of the limitation of "requesting audio information by a user from a vendor".... The Applicant merely stated that Schulhof does not disclose this limitation.

59. In regards to encryption, this has already been addressed(see above).

60. Schulhof discloses detecting changes in operation of the equipment, because encryption is used(see col. 13, lines 44-50).

61. The Applicant stated that Stokes does not disclose an audio message relating to performance presentation. Stokes does disclose an audio message relating to the performance presentation, because the message relates to the audio cassette tape and what tracks are being played or to be played(see col. 2, lines 22-30).

62. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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June 21, 2004

EMMANUEL L. MOISE
PRIMARY EXAMINER